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AN ACT

RELATING TO PROFESSIONAL LICENSURE; RENAMING THE NEW MEXICO BOARD OF MEDICAL EXAMINERS; CHANGING MEMBERSHIP; PRESCRIBING POWERS AND DUTIES; CHANGING REQUIREMENTS AND PROCEDURES FOR LICENSURE AS PHYSICIANS; PROVIDING FEES; TRANSFERRING FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES OF THE NEW MEXICO BOARD OF MEDICAL EXAMINERS TO THE NEW MEXICO MEDICAL BOARD; INCREASING CIVIL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-6-1 NMSA 1978 (being Laws 1989, Chapter 269, Section 1) is amended to read:

"61-6-1. SHORT TITLE--PURPOSE. --

A. Chapter 61, Article 6 NMSA 1978 may be cited as the "Medical Practice Act".

B. In the interest of the public health, safety and welfare and to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine, it is necessary to provide laws and rules controlling the granting and use of the privilege to practice medicine and to establish a medical board to implement and enforce the laws and rules.

C. The primary duties and obligations of the medical board are to issue licenses to qualified physicians,

1 physician assistants and anesthesiologist assistants, to
2 discipline incompetent or unprofessional physicians,
3 physician assistants or anesthesiologist assistants and to
4 aid in the rehabilitation of impaired physicians, physician
5 assistants and anesthesiologist assistants for the purpose of
6 protecting the public."

7 Section 2. Section 61-6-2 NMSA 1978 (being Laws 1923,
8 Chapter 44, Section 1, as amended) is amended to read:

9 "61-6-2. NEW MEXICO MEDICAL BOARD--APPOINTMENT--TERMS--
10 QUALIFICATIONS.--

11 A. There is created the "New Mexico medical
12 board", consisting of nine members. The board shall be
13 composed of two public members, one physician assistant and
14 six reputable physicians of known ability who are graduates
15 of medical colleges or schools in good standing and who have
16 been licensed physicians in and bona fide residents of
17 New Mexico for a period of five years immediately preceding
18 the date of their appointment. The physician assistant shall
19 have been a licensed physician assistant and a resident of
20 New Mexico for at least five years immediately preceding the
21 date of appointment. Public members of the board shall be
22 residents of New Mexico, shall not have been licensed by the
23 board or have practiced as physicians and shall have no
24 significant financial interest, direct or indirect, in the
25 occupation regulated.

1 B. The governor shall appoint the physician
2 members from a list of names submitted to the governor by the
3 New Mexico medical society or its authorized governing body
4 or council. The list shall contain five names of qualified
5 physicians for each physician member to be appointed.
6 Physician member vacancies shall be filled in the same
7 manner.

8 C. The governor shall appoint the physician
9 assistant member from a list of names submitted to the
10 governor by the New Mexico academy of physician assistants or
11 its authorized governing body or council. The list shall
12 contain five names of qualified physician assistants.

13 D. Members shall be appointed to four-year terms,
14 staggered so that not more than three terms expire in a year.
15 All board members shall hold office until their successors
16 are appointed and qualified.

17 E. A board member failing to attend three
18 consecutive meetings, either regular or special, shall
19 automatically be removed as a member of the board unless
20 excused from attendance by the board for good cause shown."

21 Section 3. Section 61-6-3 NMSA 1978 (being Laws 1989,
22 Chapter 269, Section 3) is amended to read:

23 "61-6-3. MEETINGS OF THE BOARD--QUORUM --

24 A. The board shall hold four regular meetings
25 every fiscal year.

1 B. During the second quarter of each year, the
2 board shall hold its annual meeting during which it shall
3 elect officers.

4 C. In addition to the regular meetings, the board
5 may hold special meetings at the call of the president after
6 written notice to all members of the board or at the written
7 or electronic request of any two members.

8 D. A majority of the members of the board shall
9 constitute a quorum and shall be capable of conducting any
10 board business. The vote of a majority of a quorum shall
11 prevail, even though the vote may not represent an actual
12 majority of all the board members. "

13 Section 4. Section 61-6-4 NMSA 1978 (being Laws 1989,
14 Chapter 269, Section 4) is amended to read:

15 "61-6-4. ELECTION--DUTIES OF OFFICERS--REIMBURSEMENT OF
16 BOARD MEMBERS. --

17 A. At its annual meeting, the board shall elect a
18 chair, a vice chair and a secretary-treasurer.

19 B. The chair shall preside over the meetings and
20 affairs of the board.

21 C. The vice chair shall perform such duties as may
22 be assigned by the chair and shall serve as chair due to the
23 absence or incompetence of the chair.

24 D. The secretary-treasurer shall:

25 (1) review applications for licensure and

1 interview applicants to determine eligibility for licensure;

2 (2) issue temporary licenses pursuant to
3 Section 61-6-14 NMSA 1978;

4 (3) serve on committees related to board
5 activities that require physician participation;

6 (4) serve as a consultant on medical
7 practice issues when a board action is not required; and

8 (5) perform any other functions assigned by
9 the board or by the chair.

10 E. The secretary-treasurer may be compensated at
11 the discretion of the board.

12 F. Board members shall receive per diem and
13 mileage as provided in the Per Diem and Mileage Act and shall
14 receive no other compensation, perquisite or allowance,
15 except that the secretary-treasurer may be additionally
16 compensated as provided in Subsection E of this section and
17 board members may be additionally compensated in accordance
18 with Subsection G of this section.

19 G. Board members or agents performing interviews
20 of applicants may be compensated at the board's discretion."

21 Section 5. Section 61-6-5 NMSA 1978 (being Laws 1973,
22 Chapter 361, Section 2, as amended) is amended to read:

23 "61-6-5. DUTIES AND POWERS. --The board shall:

24 A. enforce and administer the provisions of the
25 Medical Practice Act, the Physician Assistant Act, the

1 Anesthesiologist Assistants Act and the Impaired Health Care
2 Provider Act;

3 B. adopt, publish and file, in accordance with the
4 Uniform Licensing Act and the State Rules Act, all rules for
5 the implementation and enforcement of the provisions of the
6 Medical Practice Act, the Physician Assistant Act, the
7 Anesthesiologist Assistants Act and the Impaired Health Care
8 Provider Act;

9 C. adopt and use a seal;

10 D. administer oaths to all applicants, witnesses
11 and others appearing before the board, as appropriate;

12 E. take testimony on matters within the board's
13 jurisdiction;

14 F. keep an accurate record of all its meetings,
15 receipts and disbursements;

16 G. maintain records in which the name, address and
17 license number of all licensees shall be recorded, together
18 with a record of all license renewals, suspensions,
19 revocations, probations, stipulations, censures, reprimands
20 and fines;

21 H. grant, deny, review, suspend and revoke
22 licenses to practice medicine and censure, reprimand, fine
23 and place on probation and stipulation licensees and
24 applicants in accordance with the Uniform Licensing Act for
25 any cause stated in the Medical Practice Act and the Impaired

1 Health Care Provider Act;

2 I. hire staff and administrators as necessary to
3 carry out the provisions of the Medical Practice Act;

4 J. have the authority to hire or contract with
5 investigators to investigate possible violations of the
6 Medical Practice Act;

7 K. have the authority to hire a competent attorney
8 to give advice and counsel in regard to any matter connected
9 with the duties of the board, to represent the board in any
10 legal proceedings and to aid in the enforcement of the laws
11 in relation to the medical profession and to fix the
12 compensation to be paid to such attorney; provided, however,
13 that such attorney shall be compensated from the funds of the
14 board;

15 L. establish continuing medical education
16 requirements for licensed physicians and continuing education
17 requirements for physician assistants;

18 M. establish committees as it deems necessary for
19 carrying on its business; and

20 N. hire or contract with a licensed physician to
21 serve as medical director and fulfill specified duties of the
22 secretary-treasurer. "

23 Section 6. Section 61-6-6 NMSA 1978 (being Laws 1973,
24 Chapter 361, Section 1, as amended) is amended to read:

25 "61-6-6. DEFINITIONS. -- As used in Chapter 61, Article 6

1 NMSA 1978:

2 A. "approved postgraduate training program" means
3 a program approved by the accrediting council on graduate
4 medical education of the American medical association or by
5 the board;

6 B. "board" means the New Mexico medical board;

7 C. "licensed physician" means a medical doctor
8 licensed under the Medical Practice Act to practice medicine
9 in New Mexico;

10 D. "licensee" means a medical doctor, physician
11 assistant or anesthesiologist assistant licensed by the board
12 to practice in New Mexico;

13 E. "medical college or school in good standing"
14 means a board-approved medical college or school that has as
15 high a standard as that required by the association of
16 American medical colleges and the council on medical
17 education of the American medical association;

18 F. "medical student" means a student enrolled in a
19 board-approved medical college or school in good standing;

20 G. "physician assistant" means a health
21 professional who is licensed by the board to practice as a
22 physician assistant and who provides services to patients
23 under the supervision and direction of a licensed physician;

24 H. "intern" means a first-year postgraduate
25 student upon whom a degree of doctor of medicine and surgery

1 or equivalent degree has been conferred by a medical college
2 or school in good standing;

3 I. "resident" means a graduate of a medical
4 college or school in good standing who is in training in a
5 board-approved and accredited residency training program in a
6 hospital or facility affiliated with an approved hospital and
7 who has been appointed to the position of "resident" or
8 "fellow" for the purpose of postgraduate medical training;

9 J. "the practice of medicine" consists of:

10 (1) advertising, holding out to the public
11 or representing in any manner that one is authorized to
12 practice medicine in this state;

13 (2) offering or undertaking to administer,
14 dispense or prescribe a drug or medicine for the use of
15 another person, except as authorized pursuant to a
16 professional or occupational licensing statute set forth in
17 Chapter 61 NMSA 1978;

18 (3) offering or undertaking to give or
19 administer, dispense or prescribe a drug or medicine for the
20 use of another person, except as directed by a licensed
21 physician;

22 (4) offering or undertaking to perform an
23 operation or procedure upon a person;

24 (5) offering or undertaking to diagnose,
25 correct or treat in any manner or by any means, methods,

1 devices or instrumentalities any disease, illness, pain,
2 wound, fracture, infirmity, deformity, defect or abnormal
3 physical or mental condition of a person;

4 (6) offering medical peer review,
5 utilization review or diagnostic service of any kind that
6 directly influences patient care, except as authorized
7 pursuant to a professional or occupational licensing statute
8 set forth in Chapter 61 NMSA 1978; or

9 (7) acting as the representative or agent of
10 a person in doing any of the things listed in this
11 subsection;

12 K. "the practice of medicine across state lines"
13 means:

14 (1) the rendering of a written or otherwise
15 documented medical opinion concerning diagnosis or treatment
16 of a patient within this state by a physician located outside
17 this state as a result of transmission of individual patient
18 data by electronic, telephonic or other means from within
19 this state to the physician or the physician's agent; or

20 (2) the rendering of treatment to a patient
21 within this state by a physician located outside this state
22 as a result of transmission of individual patient data by
23 electronic, telephonic or other means from within this state
24 to the physician or the physician's agent;

25 L. "sexual contact" means touching the primary

1 genital area, groin, anus, buttocks or breast of a patient or
2 allowing a patient to touch another's primary genital area,
3 groin, anus, buttocks or breast in a manner that is commonly
4 recognized as outside the scope of acceptable medical
5 practice;

6 M. "sexual penetration" means sexual intercourse,
7 cunnilingus, fellatio or anal intercourse, whether or not
8 there is any emission, or introducing any object into the
9 genital or anal openings of another in a manner that is
10 commonly recognized as outside the scope of acceptable
11 medical practice; and

12 N. "United States" means the fifty states, its
13 territories and possessions and the District of Columbia."

14 Section 7. Section 61-6-7 NMSA 1978 (being Laws 1973,
15 Chapter 361, Section 3, as amended) is amended to read:

16 "61-6-7. SHORT TITLE-- LICENSURE AS A PHYSICIAN
17 ASSISTANT-- SCOPE OF PRACTICE-- BIENNIAL REGISTRATION OF
18 SUPERVISION-- LICENSE RENEWAL-- FEES. --

19 A. Sections 61-6-7 through 61-6-10 NMSA 1978 may
20 be cited as the "Physician Assistant Act".

21 B. The board may license as a physician assistant
22 a qualified person who has graduated from a physician
23 assistant or surgeon assistant program accredited by the
24 national accrediting body as established by rule and has
25 passed a physician assistant national certifying examination

1 as established by rule. The board may also license as a
2 physician assistant a person who passed the physician
3 assistant national certifying examination administered by the
4 national commission on certification of physician assistants
5 prior to 1986.

6 C. A person shall not perform, attempt to perform
7 or hold himself out as a physician assistant without first
8 applying for and obtaining a license from the board and
9 without registering his supervising licensed physician in
10 accordance with board rules.

11 D. Physician assistants may prescribe, administer
12 and distribute dangerous drugs other than controlled
13 substances in Schedule I of the Controlled Substances Act
14 pursuant to rules adopted by the board after consultation
15 with the board of pharmacy if the prescribing, administering
16 and distributing are done under the direction of a
17 supervising licensed physician and within the parameters of a
18 board-approved formulary and guidelines established under
19 Subsection C of Section 61-6-9 NMSA 1978. The distribution
20 process shall comply with state laws concerning prescription
21 packaging, labeling and record keeping requirements.

22 Physician assistants shall not otherwise dispense dangerous
23 drugs or controlled substances.

24 E. A physician assistant shall perform only the
25 acts and duties assigned to the physician assistant by a

1 supervising licensed physician that are within the scope of
2 practice of the supervising licensed physician.

3 F. An applicant for licensure as a physician
4 assistant shall complete application forms supplied by the
5 board and shall pay a licensing fee as provided in Section
6 61-6-19 NMSA 1978.

7 G. A physician assistant shall biennially submit
8 proof of current certification by the national commission on
9 certification of physician assistants and shall renew the
10 license and registration of supervision of the physician
11 assistant with the board. Applications for licensure or
12 registration of supervision shall include the applicant's
13 name, current address, the name and office address of the
14 supervising licensed physician and other additional
15 information as the board deems necessary.

16 H. Before starting work, a physician assistant
17 shall ensure that the supervising licensed physician of the
18 physician assistant is registered by the board. The license
19 of a physician assistant shall only be valid when the
20 physician assistant works under the supervision of a board-
21 registered licensed physician.

22 I. Each biennial renewal of licensure shall be
23 accompanied by a fee as provided in Section 61-6-19 NMSA
24 1978. "

25 Section 8. Section 61-6-7.2 NMSA 1978 (being Laws 1997,

1 Chapter 187, Section 3) is amended to read:

2 "61-6-7.2. INACTIVE LICENSE. --

3 A. A physician assistant license shall expire
4 every two years on a date established by the board.

5 B. A physician assistant who notifies the board in
6 writing on forms prescribed by the board may elect to place
7 his license on an inactive status. A physician assistant
8 with an inactive license shall be excused from payment of
9 renewal fees and shall not practice as a physician assistant.

10 C. A physician assistant who engages in practice
11 while his license is lapsed or on inactive status is
12 practicing without a license, and this is grounds for
13 discipline pursuant to the Physician Assistant Act.

14 D. A physician assistant requesting restoration
15 from inactive status shall pay the current renewal fee and
16 fulfill the requirement for renewal pursuant to the Physician
17 Assistant Act.

18 E. The board may, in its discretion, summarily
19 suspend for nonpayment of fees the license of a physician
20 assistant who has not renewed his license within ninety days
21 of expiration.

22 F. A physician assistant who has not submitted an
23 application for renewal on or before the license expiration
24 date, but who has submitted an application for renewal within
25 forty-five days after the license expiration date, shall be

1 assessed a late fee.

2 G. A physician assistant who has not submitted an
3 application for renewal between forty-six and ninety days
4 after the expiration date shall be assessed a late fee."

5 Section 9. Section 61-6-9 NMSA 1978 (being Laws 1973,
6 Chapter 361, Section 5, as amended) is amended to read:

7 "61-6-9. PHYSICIAN ASSISTANTS--RULES.--The board may
8 adopt and enforce reasonable rules for:

9 A. education, skill and experience for licensure
10 of a person as a physician assistant and providing forms and
11 procedures for biennial licensure and registration of
12 supervision by a licensed physician;

13 B. examining and evaluating an applicant for
14 licensure as a physician assistant as to skill, knowledge and
15 experience of the applicant in the field of medical care;

16 C. establishing when and for how long physician
17 assistants are permitted to prescribe, administer and
18 distribute dangerous drugs other than controlled substances
19 in Schedule I of the Controlled Substances Act pursuant to
20 rules adopted by the board after consultation with the board
21 of pharmacy;

22 D. allowing a supervising licensed physician to
23 temporarily delegate supervisory responsibilities for a
24 physician assistant to another licensed physician;

25 E. allowing a physician assistant to temporarily

1 serve under the supervision of a licensed physician other
2 than the supervising licensed physician of record; and

3 F. carrying out all other provisions of the
4 Physician Assistant Act. "

5 Section 10. Section 61-6-10 NMSA 1978 (being Laws 1973,
6 Chapter 361, Section 6, as amended) is amended to read:

7 "61-6-10. SUPERVISING LICENSED PHYSICIAN--
8 RESPONSIBILITY.--

9 A. As a condition of licensure, all physician
10 assistants practicing in New Mexico shall inform the board of
11 the name of the licensed physician under whose supervision
12 they will practice. All supervising physicians shall be
13 licensed under the Medical Practice Act and shall be approved
14 by the board.

15 B. Every licensed physician supervising a licensed
16 physician assistant shall be individually responsible and
17 liable for the performance of the acts and omissions
18 delegated to the physician assistant. Nothing in this
19 section shall be construed to relieve the physician assistant
20 of responsibility and liability for the acts and omissions of
21 the physician assistant.

22 C. A licensed physician shall not supervise more
23 than two physician assistants; except, where a physician is
24 working in a health facility providing health service to the
25 public primarily on a free or reduced fee basis, that is

1 funded in whole or in part out of public funds or the funds
2 of private charitable institutions or for good cause shown,
3 the board may authorize a greater number upon a finding that
4 the program provides adequate supervision of the physician
5 assistants. "

6 Section 11. Section 61-6-10.2 NMSA 1978 (being Laws
7 2001, Chapter 311, Section 2) is amended to read:

8 "61-6-10.2. DEFINITIONS. --As used in the
9 Anesthesiologist Assistants Act:

10 A. "anesthesiologist" means a physician licensed
11 to practice medicine in New Mexico who has successfully
12 completed an accredited anesthesiology graduate medical
13 education program, who is board certified by the American
14 board of anesthesiology or board eligible, who has completed
15 a residency in anesthesiology within the last three years and
16 who is an employee of the department of anesthesiology of a
17 medical school in New Mexico;

18 B. "anesthesiologist assistant" means a skilled
19 person employed or to be employed by a university in
20 New Mexico with a medical school certified by the board as
21 being qualified by academic and practical training to assist
22 an anesthesiologist in developing and implementing anesthesia
23 care plans for patients under the supervision and direction
24 of the anesthesiologist who is responsible for the
25 performance of the anesthesiologist assistant;

1 C. "applicant" means a person who is applying to
2 the board for a license as an anesthesiologist assistant;

3 D. "board" means the New Mexico medical board; and

4 E. "license" means an authorization to practice as
5 an anesthesiologist assistant. "

6 Section 12. Section 61-6-11 NMSA 1978 (being Laws 1923,
7 Chapter 44, Section 3, as amended) is amended to read:

8 "61-6-11. LICENSURE. --

9 A. The board may consider for licensure a person
10 who is of good moral character, is a graduate of a medical
11 college or school in good standing, has passed an examination
12 approved by the board and has completed two years of an
13 approved postgraduate training program.

14 B. An applicant who has not completed two years of
15 an approved postgraduate training program, but who otherwise
16 meets all other licensing requirements, may present evidence
17 to the board of the applicant's other professional experience
18 for consideration by the board in lieu of the approved
19 postgraduate training program. The board shall, in its sole
20 discretion, determine if the professional experience is
21 substantially equivalent to the required approved
22 postgraduate training program.

23 C. A graduate of a board-approved medical college
24 located outside the United States may be granted a license to
25 practice medicine in New Mexico, provided the applicant

1 presents evidence to the board that the applicant is a person
2 of good moral character and is in compliance with the
3 United States immigration laws and provided that the
4 applicant presents satisfactory evidence to the board that
5 the applicant has successfully passed an examination as
6 required by the board and has successfully completed two
7 years of postgraduate medical training in an approved
8 postgraduate training program.

9 D. All applicants for licensure may be required to
10 appear personally before the board or a designated agent for
11 an interview.

12 E. An applicant for licensure by examination shall
13 not be granted a license if the applicant has taken the
14 examination in two or more steps and has failed to
15 successfully pass the final step within seven years of the
16 date that the first step was passed. An applicant for
17 licensure who holds a medical doctor degree and a doctoral
18 degree in a medically related field must successfully
19 complete the entire examination series within ten years from
20 the date the first step of the examination is passed.

21 F. Every applicant for licensure under this
22 section shall pay the fees required by Section 61-6-19 NMSA
23 1978.

24 G. The board may require fingerprints and other
25 information necessary for a state and national criminal

1 background check."

2 Section 13. Section 61-6-13 NMSA 1978 (being Laws 1989,
3 Chapter 269, Section 9, as amended) is amended to read:

4 "61-6-13. LICENSURE BY ENDORSEMENT. --

5 A. The board may grant a license without
6 examination and by endorsement to an applicant who is
7 properly endorsed by the officers of the examining board with
8 jurisdiction or by the Canadian medical council and:

9 (1) has graduated from a medical college or
10 school in good standing;

11 (2) is board certified in a specialty
12 recognized by the American board of medical specialties;

13 (3) has been a licensed physician in
14 the United States or Canada and has practiced medicine in the
15 United States or Canada immediately preceding the application
16 for at least three years;

17 (4) holds an unrestricted license in another
18 state or Canada; and

19 (5) was not the subject of a disciplinary
20 action in a state or province.

21 B. The board may grant a license by endorsement to
22 an applicant who is properly endorsed by the officers of the
23 examining board with jurisdiction or by the Canadian medical
24 council and:

25 (1) has graduated from a medical college

1 located outside the United States or Canada;

2 (2) is of good moral character;

3 (3) is in compliance with the United States
4 immigration laws;

5 (4) is board certified in a specialty
6 recognized by the American board of medical specialties;

7 (5) has been a licensed physician in the
8 United States or Canada and has practiced medicine in the
9 United States or Canada immediately preceding the application
10 for at least three years;

11 (6) holds an unrestricted license in another
12 state or Canada; and

13 (7) was not the subject of disciplinary
14 action in a state or province.

15 C. An endorsement provided pursuant to this
16 section shall certify that the applicant has passed an
17 examination that meets with board approval and that the
18 applicant is in good standing in that jurisdiction. In cases
19 when the applicant is board-certified, has not been the
20 subject of disciplinary action that would be reportable to
21 the national practitioner data bank or the healthcare
22 integrity and protection data bank and has unusual skills and
23 experience not generally available in this state, and
24 patients residing in this state have a significant need for
25 such skills and experience, the board may waive a requirement

1 imposing time limits for examination completion that are
2 different from requirements of the state where the applicant
3 is licensed.

4 D. An applicant for licensure under this section
5 may be required to personally appear before the board or a
6 designated agent for an interview.

7 E. An applicant for licensure under this section
8 shall pay an application fee as provided in Section 61-6-19
9 NMSA 1978.

10 F. The board may require fingerprints and other
11 information necessary for a state and national criminal
12 background check. "

13 Section 14. Section 61-6-14 NMSA 1978 (being Laws 1953,
14 Chapter 48, Section 2, as amended) is amended to read:

15 "61-6-14. ORGANIZED YOUTH CAMP OR SCHOOL TEMPORARY
16 LICENSES AND TEMPORARY LICENSES FOR OUT-OF-STATE
17 PHYSICIANS. --

18 A. The secretary-treasurer of the board may issue
19 to an applicant qualified to practice medicine and surgery in
20 this state, either by examination or by endorsement, who will
21 be temporarily in attendance at an organized youth camp or
22 school, a temporary license to practice medicine and surgery,
23 the practice to be confined to enrollees, leaders and
24 employees of the camp or school and the following provisions
25 shall apply:

1 (1) the temporary license shall be issued
2 for a period not to exceed three months from date of
3 issuance; and

4 (2) the temporary license may be issued upon
5 written application of the applicant, accompanied by such
6 proof of the qualifications of the applicant as specified by
7 board rule.

8 B. The secretary-treasurer of the board may issue
9 to an applicant who is licensed to practice medicine in
10 another state, territory of the United States or another
11 country and who is qualified to practice medicine and surgery
12 in this state a temporary license to practice medicine under
13 the supervision of a licensed physician. The following
14 provisions shall apply:

15 (1) the temporary license may be issued upon
16 written application of the applicant, accompanied by proof of
17 qualifications as specified by rule of the board. A
18 temporary license may be granted to allow the applicant to
19 assist in teaching, conducting research, performing
20 specialized diagnostic and treatment procedures, implementing
21 new technology and for physician educational purposes. A
22 licensee may engage in only the activities specified on the
23 temporary license, and the temporary license shall identify
24 the licensed physician who will supervise the applicant
25 during the time the applicant practices medicine in New

1 Mexico. The supervising licensed physician shall submit an
2 affidavit attesting to the qualifications of the applicant
3 and activities the applicant will perform; and

4 (2) the temporary license shall be issued
5 for a period not to exceed three months from date of issuance
6 and may be renewed upon application and payment of fees as
7 provided in Section 61-6-19 NMSA 1978.

8 C. The application for a temporary license under
9 this section shall be accompanied by a license fee as
10 provided in Section 61-6-19 NMSA 1978. "

11 Section 15. Section 61-6-15 NMSA 1978 (being Laws 1969,
12 Chapter 46, Section 6, as amended) is amended to read:

13 "61-6-15. LICENSE MAY BE REFUSED, REVOKED OR
14 SUSPENDED--LICENSEE MAY BE FINED, CENSURED OR REPRIMANDED--
15 PROCEDURE--PRACTICE AFTER SUSPENSION OR REVOCATION--PENALTY--
16 UNPROFESSIONAL AND DISHONORABLE CONDUCT DEFINED--FEES AND
17 EXPENSES.--

18 A. The board may refuse to license and may revoke
19 or suspend a license that has been issued by the board or a
20 previous board and may fine, censure or reprimand a licensee
21 upon satisfactory proof being made to the board that the
22 applicant for or holder of the license has been guilty of
23 unprofessional or dishonorable conduct. The board may also
24 refuse to license an applicant who is unable to practice
25 medicine, or practice as a physician assistant or an

1 anesthesiologist assistant, pursuant to Section 61-7-3 NMSA
2 1978. All proceedings shall be as required by the Uniform
3 Licensing Act or the Impaired Health Care Provider Act.

4 B. The board may, in its discretion and for good
5 cause shown, place the licensee on probation on the terms and
6 conditions it deems proper for protection of the public, for
7 the purpose of rehabilitation of the probationer or both.
8 Upon expiration of the term of probation, if a term is set,
9 further proceedings may be abated by the board if the holder
10 of the license furnishes the board with evidence that the
11 licensee is competent to practice, is of good moral character
12 and has complied with the terms of probation.

13 C. If evidence fails to establish to the
14 satisfaction of the board that the licensee is competent and
15 is of good moral character or if evidence shows that the
16 licensee has not complied with the terms of probation, the
17 board may revoke or suspend the license. If a license to
18 practice in this state is suspended, the holder of the
19 license may not practice during the term of suspension. A
20 person whose license has been revoked or suspended by the
21 board and who thereafter practices or attempts or offers to
22 practice in New Mexico, unless the period of suspension has
23 expired or been modified by the board or the license
24 reinstated, is guilty of a felony and shall be punished as
25 provided in Section 61-6-20 NMSA 1978.

1 D. "Unprofessional or dishonorable conduct", as
2 used in this section, means, but is not limited to because of
3 enumeration, conduct of a licensee that includes the
4 following:

5 (1) procuring, aiding or abetting a criminal
6 abortion;

7 (2) employing a person to solicit patients
8 for the licensee;

9 (3) representing to a patient that a
10 manifestly incurable condition of sickness, disease or injury
11 can be cured;

12 (4) obtaining a fee by fraud or
13 misrepresentation;

14 (5) willfully or negligently divulging a
15 professional confidence;

16 (6) conviction of an offense punishable by
17 incarceration in a state penitentiary or federal prison or
18 conviction of a misdemeanor associated with the practice of
19 the licensee. A copy of the record of conviction, certified
20 by the clerk of the court entering the conviction, is
21 conclusive evidence;

22 (7) habitual or excessive use of intoxicants
23 or drugs;

24 (8) fraud or misrepresentation in applying
25 for or procuring a license to practice in this state or in

1 connection with applying for or procuring renewal, including
2 cheating on or attempting to subvert the licensing
3 examinations;

4 (9) making false or misleading statements
5 regarding the skill of the licensee or the efficacy or value
6 of the medicine, treatment or remedy prescribed or
7 administered by the licensee or at the direction of the
8 licensee in the treatment of a disease or other condition of
9 the human body or mind;

10 (10) impersonating another licensee,
11 permitting or allowing a person to use the license of the
12 licensee or practicing as a licensee under a false or assumed
13 name;

14 (11) aiding or abetting the practice of a
15 person not licensed by the board;

16 (12) gross negligence in the practice of a
17 licensee;

18 (13) manifest incapacity or incompetence to
19 practice as a licensee;

20 (14) discipline imposed on a licensee by
21 another state, including probation, suspension or revocation,
22 based upon acts by the licensee similar to acts described in
23 this section. A certified copy of the record of suspension
24 or revocation of the state making the suspension or
25 revocation is conclusive evidence;

1 (15) the use of a false, fraudulent or
2 deceptive statement in a document connected with the practice
3 of a licensee;

4 (16) fee splitting;

5 (17) the prescribing, administering or
6 dispensing of narcotic, stimulant or hypnotic drugs for other
7 than accepted therapeutic purposes;

8 (18) conduct likely to deceive, defraud or
9 harm the public;

10 (19) repeated similar negligent acts;

11 (20) employing abusive billing practices;

12 (21) failure to report to the board any
13 adverse action taken against the licensee by:

14 (a) another licensing jurisdiction;

15 (b) a peer review body;

16 (c) a health care entity;

17 (d) a professional or medical society
18 or association;

19 (e) a governmental agency;

20 (f) a law enforcement agency; or

21 (g) a court for acts or conduct similar
22 to acts or conduct that would constitute grounds for action
23 as defined in this section;

24 (22) failure to report to the board
25 surrender of a license or other authorization to practice in

1 another state or jurisdiction or surrender of membership on
2 any medical staff or in any medical or professional
3 association or society following, in lieu of and while under
4 disciplinary investigation by any of those authorities or
5 bodies for acts or conduct similar to acts or conduct that
6 would constitute grounds for action as defined in this
7 section;

8 (23) failure to furnish the board, its
9 investigators or representatives with information requested
10 by the board;

11 (24) abandonment of patients;

12 (25) being found mentally incompetent or
13 insane by a court of competent jurisdiction;

14 (26) injudicious prescribing, administering
15 or dispensing of a drug or medicine;

16 (27) failure to adequately supervise, as
17 provided by board rule, a medical or surgical assistant or
18 technician or professional licensee who renders health care;

19 (28) sexual contact with a patient or person
20 who has authority to make medical decisions for a patient,
21 other than the spouse of the licensee, after representing or
22 inferring that the activity is a legitimate part of the
23 patient's treatment;

24 (29) conduct unbecoming in a person licensed
25 to practice or detrimental to the best interests of the

1 public;

2 (30) the surrender of a license or
3 withdrawal of an application for a license before another
4 state licensing board while an investigation or disciplinary
5 action is pending before that board for acts or conduct
6 similar to acts or conduct that would constitute grounds for
7 action pursuant to this section;

8 (31) sexual contact with a former mental
9 health patient of the licensee, other than the spouse of the
10 licensee, within one year from the end of treatment;

11 (32) sexual contact with a patient when the
12 licensee uses or exploits treatment, knowledge, emotions or
13 influence derived from the previous professional
14 relationship;

15 (33) improper management of medical records,
16 including failure to maintain timely, accurate, legible and
17 complete medical records;

18 (34) failure to provide pertinent and
19 necessary medical records to a physician or patient of the
20 physician in a timely manner when legally requested to do so
21 by the patient or by a legally designated representative of
22 the patient;

23 (35) undertreatment of pain as provided by
24 board rule;

25 (36) interaction with physicians, hospital

1 personnel, patients, family members or others that interferes
2 with patient care or could reasonably be expected to
3 adversely impact the quality of care rendered to a patient;

4 (37) soliciting or receiving compensation by
5 a physician assistant or anesthesiologist assistant from a
6 person who is not an employer of the assistant; or

7 (38) willfully or negligently divulging
8 privileged information or a professional secret.

9 E. As used in this section, "fee splitting"
10 includes offering, delivering, receiving or accepting any
11 unearned rebate, refunds, commission preference, patronage
12 dividend, discount or other unearned consideration, whether
13 in the form of money or otherwise, as compensation or
14 inducement for referring patients, clients or customers to a
15 person, irrespective of any membership, proprietary interest
16 or co-ownership in or with a person to whom the patients,
17 clients or customers are referred.

18 F. Licensees whose licenses are in a probationary
19 status shall pay reasonable expenses for maintaining
20 probationary status, including laboratory costs when
21 laboratory testing of biological fluids are included as a
22 condition of probation. "

23 Section 16. Section 61-6-16 NMSA 1978 (being Laws 1989,
24 Chapter 269, Section 12) is amended to read:

25 "61-6-16. REPORTING OF SETTLEMENTS AND JUDGMENTS,

1 PROFESSIONAL REVIEW ACTIONS AND ACCEPTANCE OF SURRENDERED
2 LICENSE-- IMMUNITY FROM CIVIL DAMAGES-- PENALTY. --

3 A. All entities that make payments under a policy
4 of insurance, self-insurance or otherwise in settlement or
5 satisfaction of a judgment in a medical malpractice action or
6 claim, hospitals, health care entities and professional
7 review bodies shall report to the board all payments relating
8 to malpractice actions or claims arising in New Mexico, all
9 appropriate professional review actions of licensees and the
10 acceptance or surrender of clinical privileges by a licensee
11 while under investigation or in lieu of an investigation.

12 For the purposes of this section, the meaning of these terms
13 shall be as contained in Section 431 of the federal Health
14 Care Quality Improvement Act of 1986, 42 USCA Section 11151.

15 B. The hospitals required to report under this
16 section, health care entities or professional review bodies
17 that provide such information in good faith shall not be
18 subject to suit for civil damages as a result of providing
19 the information.

20 C. A hospital, health care entity or professional
21 review body failing to comply with the reporting requirements
22 provided in this section shall be subject to civil penalty
23 not to exceed ten thousand dollars (\$10,000). "

24 Section 17. Section 61-6-17 NMSA 1978 (being Laws 1973,
25 Chapter 361, Section 8, as amended) is amended to read:

1 "61-6-17. EXCEPTIONS TO ACT. -- The Medical Practice Act
2 shall not apply to or affect:

3 A. gratuitous services rendered in cases of
4 emergency;

5 B. the domestic administration of family remedies;

6 C. the practice of midwifery as regulated in this
7 state;

8 D. commissioned medical officers of the armed
9 forces of the United States and medical officers of the
10 United States public health service or the veterans
11 administration of the United States in the discharge of their
12 official duties or within federally controlled facilities;
13 provided that such persons who hold medical licenses in
14 New Mexico shall be subject to the provisions of the Medical
15 Practice Act and provided that all such persons shall be
16 fully licensed to practice medicine in one or more
17 jurisdictions of the United States;

18 E. the practice of medicine by a physician,
19 unlicensed in New Mexico, who performs emergency medical
20 procedures in air or ground transportation on a patient from
21 inside of New Mexico to another state or back, provided the
22 physician is duly licensed in that state;

23 F. the practice, as defined and limited under
24 their respective licensing laws, of:

25 (1) osteopathy;

- 1 (2) dentistry;
- 2 (3) podiatry;
- 3 (4) nursing;
- 4 (5) optometry;
- 5 (6) psychology;
- 6 (7) chiropractic;
- 7 (8) pharmacy;
- 8 (9) acupuncture and oriental medicine; or
- 9 (10) physical therapy;

10 G. an act, task or function performed by a
11 physician assistant at the direction of and under the
12 supervision of a licensed physician, when:

- 13 (1) the physician assistant is currently
14 licensed by the board;
- 15 (2) the act, task or function is performed
16 at the direction of and under the supervision of a licensed
17 physician in accordance with rules promulgated by the board;
18 and
- 19 (3) the acts of the physician assistant are
20 within the scope of duties assigned or delegated by the
21 supervising licensed physician and the acts are within the
22 scope of the assistant's training;

23 H. an act, task or function of laboratory
24 technicians or technologists, x-ray technicians, nurse
25 practitioners, medical or surgical assistants or other

1 technicians or qualified persons permitted by law or
2 established by custom as part of the duties delegated to them
3 by:

4 (1) a licensed physician or a hospital,
5 clinic or institution licensed or approved by the public
6 health division of the department of health or an agency of
7 the federal government; or

8 (2) a health care program operated or
9 financed by an agency of the state or federal government;

10 I. a properly trained medical or surgical
11 assistant or technician or professional licensee performing
12 under the physician's employment and direct supervision or a
13 visiting physician or surgeon operating under the physician's
14 direct supervision a medical act that a reasonable and
15 prudent physician would find within the scope of sound
16 medical judgment to delegate if, in the opinion of the
17 delegating physician, the act can be properly and safely
18 performed in its customary manner and if the person does not
19 hold himself out to the public as being authorized to
20 practice medicine in New Mexico. The delegating physician
21 shall remain responsible for the medical acts of the person
22 performing the delegated medical acts;

23 J. the practice of the religious tenets of a
24 church in the ministration to the sick or suffering by mental
25 or spiritual means as provided by law; provided that the

1 Medical Practice Act shall not be construed to exempt a
2 person from the operation or enforcement of the sanitary and
3 quarantine laws of the state;

4 K. the acts of a physician licensed under the laws
5 of another state of the United States who is the treating
6 physician of a patient and orders home health or hospice
7 services for a resident of New Mexico to be delivered by a
8 home and community support services agency licensed in this
9 state; provided that a change in the condition of the patient
10 shall be physically reevaluated by the treating physician in
11 the treating physician's jurisdiction or by a licensed
12 New Mexico physician;

13 L. a physician licensed to practice under the laws
14 of another state who acts as a consultant to a
15 New Mexico-licensed physician on an irregular or infrequent
16 basis, as defined by rule of the board; and

17 M. a physician who engages in the informal
18 practice of medicine across state lines without compensation
19 or expectation of compensation; provided that the practice of
20 medicine across state lines conducted within the parameters
21 of a contractual relationship shall not be considered
22 informal and is subject to licensure and rule by the board. "

23 Section 18. Section 61-6-18.1 NMSA 1978 (being Laws
24 1994, Chapter 80, Section 10) is amended to read:

25 "61-6-18.1. PUBLIC SERVICE LICENSE. --

1 A. Applicants for a public service license shall
2 meet all requirements for licensure and shall:

3 (1) be enrolled in a board-approved
4 residency training program either in New Mexico or in another
5 jurisdiction;

6 (2) obtain written approval from the
7 training program director of the applicant to pursue a public
8 service practice opportunity outside the residency training
9 program;

10 (3) obtain advance written approval from the
11 training program director of the applicant to return to the
12 residency training program following the period of public
13 service; and

14 (4) satisfy other reasonable requirements
15 imposed by the board.

16 B. A physician with one year postdoctoral training
17 may apply for a public service license when he is under the
18 direct supervision of a licensed physician or has immediate
19 access to a licensed physician by electronic means when the
20 public service physician is employed in a medically
21 underserved area.

22 C. A public service license shall be valid for a
23 period of time not to exceed twelve months. A public service
24 license may be renewed by the board.

25 D. An applicant for a public service license shall

1 pay the required fees set forth in Section 61-6-19 NMSA
2 1978. "

3 Section 19. Section 61-6-19 NMSA 1978 (being Laws 1989,
4 Chapter 269, Section 15, as amended) is amended to read:

5 "61-6-19. FEES. --

6 A. The board shall impose the following fees:

7 (1) an application fee not to exceed four
8 hundred dollars (\$400) for licensure by endorsement as
9 provided in Section 61-6-13 NMSA 1978;

10 (2) an application fee not to exceed four
11 hundred dollars (\$400) for licensure by examination as
12 provided in Section 61-6-11 NMSA 1978;

13 (3) a triennial renewal fee not to exceed
14 four hundred fifty dollars (\$450);

15 (4) a fee of twenty-five dollars (\$25.00)
16 for placing a physician's license or a physician assistant's
17 license on inactive status;

18 (5) a late fee not to exceed one hundred
19 dollars (\$100) for physicians who renew their license within
20 forty-five days after the required renewal date;

21 (6) a late fee not to exceed two hundred
22 dollars (\$200) for physicians who renew their licenses
23 between forty-six and ninety days after the required renewal
24 date;

25 (7) a reinstatement fee not to exceed six

1 hundred dollars (\$600) for reinstatement of a revoked,
2 suspended or inactive license;

3 (8) a reasonable administrative fee for
4 verification and duplication of license or registration and
5 copying of records;

6 (9) a reasonable publication fee for the
7 purchase of a publication containing the names of all
8 practitioners licensed under the Medical Practice Act;

9 (10) an impaired physician fee not to exceed
10 one hundred fifty dollars (\$150) for a three-year period;

11 (11) an interim license fee not to exceed
12 one hundred dollars (\$100);

13 (12) a temporary license fee not to exceed
14 one hundred dollars (\$100);

15 (13) a postgraduate training license fee not
16 to exceed fifty dollars (\$50.00) annually;

17 (14) an application fee not to exceed one
18 hundred fifty dollars (\$150) for physician assistants
19 applying for initial licensure;

20 (15) a licensure fee not to exceed one
21 hundred fifty dollars (\$150) for physician assistants
22 biennial licensing and registration of supervising licensed
23 physician;

24 (16) a late fee not to exceed fifty dollars
25 (\$50.00) for physician assistants who renew their licensure

1 within forty-five days after the required renewal date;

2 (17) a late fee not to exceed seventy-five
3 dollars (\$75.00) for physician assistants who renew their
4 licensure between forty-six and ninety days after the
5 required renewal date;

6 (18) a reinstatement fee not to exceed one
7 hundred dollars (\$100) for physician assistants who reinstate
8 an expired license;

9 (19) a processing fee not to exceed fifty
10 dollars (\$50.00) for each change of a supervising licensed
11 physician for a physician assistant;

12 (20) a fee not to exceed three hundred
13 dollars (\$300) annually for a physician supervising a
14 clinical pharmacist; and

15 (21) an application and renewal fee for a
16 telemedicine license not to exceed four hundred dollars
17 (\$400).

18 B. All fees are nonrefundable and shall be used by
19 the board to carry out its duties efficiently. "

20 Section 20. Section 61-6-21 NMSA 1978 (being Laws 1989,
21 Chapter 269, Section 17) is amended to read:

22 "61-6-21. CONTINUING MEDICAL EDUCATION--PENALTY. --

23 A. The board may establish rules pertaining to
24 continuing medical education for licensees.

25 B. The board may suspend the license of a licensee

1 who fails to comply with continuing medical education or
2 continuing education requirements until the requirements are
3 fulfilled. "

4 Section 21. Section 61-6-23 NMSA 1978 (being Laws 1989,
5 Chapter 269, Section 19) is amended to read:

6 "61-6-23. INVESTIGATION--SUBPOENA. --To investigate a
7 complaint against a licensee, the board may issue
8 investigative subpoenas prior to the issuance of a notice of
9 contemplated action. "

10 Section 22. Section 61-6-26 NMSA 1978 (being Laws 1989,
11 Chapter 269, Section 22, as amended) is amended to read:

12 "61-6-26. TRIENNIAL RENEWAL FEES--PENALTY FOR FAILURE
13 TO RENEW LICENSE. --

14 A. On or before July 1 of every third year, every
15 licensed physician in this state shall apply for a
16 certificate of triennial renewal of license for the ensuing
17 three years. The fact that a licensed physician has not
18 received a renewal form from the board shall not relieve the
19 physician of the duty to renew the license and the omission
20 by the board shall not operate to exempt the physician from
21 the penalties provided by Chapter 61, Article 6 NMSA 1978 for
22 failure to renew his license.

23 B. All licensed physicians shall pay a triennial
24 renewal fee and impaired physicians fee as provided in
25 Section 61-6-19 NMSA 1978 and shall return the completed

1 renewal form together with the renewal fee and other required
2 documentation.

3 C. Each application for triennial renewal of
4 license shall state the licensed physician's full name,
5 business address, license number and date and all other
6 information requested by the board.

7 D. A licensed physician who fails to submit his
8 application for triennial renewal on or before July 1 but who
9 submits his application for triennial renewal by August 15
10 shall be assessed a late fee as provided in Section 61-6-19
11 NMSA 1978.

12 E. A physician who submits the application for
13 triennial renewal between August 16 and September 30 shall be
14 assessed a cumulative late fee as provided in Paragraph (6)
15 of Subsection A of Section 61-6-19 NMSA 1978.

16 F. After September 30, the board may, in its
17 discretion, summarily suspend for nonpayment of fees the
18 license of a physician who has failed to renew his license."

19 Section 23. Section 61-6-27 NMSA 1978 (being Laws 1945,
20 Chapter 74, Section 2, as amended) is amended to read:

21 "61-6-27. ISSUANCE AND DISPLAY OF RENEWAL
22 CERTIFICATE. --The board shall issue to each licensed
23 physician, upon application in accordance with the provisions
24 of the Medical Practice Act and upon payment of the
25 appropriate fees and upon documentation of continuing

1 education requirements, a certificate of triennial renewal,
2 under the seal of the board, for the ensuing three years.
3 The certificate of renewal shall contain the licensed
4 physician's name, business address, license date and number
5 and other information as the board deems advisable. The
6 certificate of triennial renewal shall, at all times, be
7 displayed conspicuously in the principal office or practice
8 location of the licensed physician to whom it has been
9 issued. "

10 Section 24. Section 61-6-28 NMSA 1978 (being Laws 1945,
11 Chapter 74, Section 3, as amended) is amended to read:

12 "61-6-28. LICENSED PHYSICIANS--CHANGING LOCATION.--A
13 licensed physician who changes the location of his office or
14 residence shall promptly notify the board of the change. "

15 Section 25. Section 61-6-30 NMSA 1978 (being Laws 1969,
16 Chapter 46, Section 15, as amended) is amended to read:

17 "61-6-30. RESTORATION OF GOOD STANDING--FEES AND OTHER
18 REQUIREMENTS.--

19 A. Before restoring to good standing a license
20 that has been in a revoked, suspended or inactive status for
21 any cause for more than two years, the board may require the
22 applicant to pass an oral or written examination, or both, to
23 determine the current fitness of the applicant to resume
24 practice and may impose conditions in its discretion.

25 B. The authority of the board to impose terms and

1 conditions includes, but is not limited to, the following:

2 (1) requiring the applicant to obtain
3 additional training and to pass an examination upon
4 completion of such training; or

5 (2) restricting or limiting the extent,
6 scope or type of practice of the applicant.

7 C. The board shall also consider the moral
8 background and the activities of the applicant during the
9 period of suspension or inactivity.

10 D. If the board in its discretion determines that
11 the applicant is qualified to be reissued a license in good
12 standing, the applicant shall pay to the board a
13 reinstatement fee. "

14 Section 26. Section 61-6-31 NMSA 1978 (being Laws 1989,
15 Chapter 269, Section 27) is amended to read:

16 "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL
17 BOARD FUND CREATED--METHOD OF PAYMENTS. --

18 A. There is created the "New Mexico medical board
19 fund".

20 B. All funds received by the board and money
21 collected under the Medical Practice Act, the Physician
22 Assistant Act, the Anesthesiologist Assistants Act and the
23 Impaired Health Care Provider Act shall be deposited with the
24 state treasurer who shall place the same to the credit of the
25 New Mexico medical board fund.

1 C. All payments out of the fund shall be made on
2 vouchers issued and signed by the secretary-treasurer of the
3 board or the designee of the secretary-treasurer upon
4 warrants drawn by the department of finance and
5 administration in accordance with the budget approved by that
6 department.

7 D. All amounts in the New Mexico medical board
8 fund shall be subject to the order of the board and shall be
9 used only for the purpose of meeting necessary expenses
10 incurred in:

11 (1) the performance of the provisions of the
12 Medical Practice Act, the Physician Assistant Act, the
13 Anesthesiologist Assistants Act and the Impaired Health Care
14 Provider Act and the duties and powers imposed by those acts;
15 and

16 (2) the promotion of medical education and
17 standards in this state within the budgetary limits.

18 E. All funds that may have accumulated to the
19 credit of the board under any previous law shall be
20 transferred to the New Mexico medical board fund and shall
21 continue to be available for use by the board in accordance
22 with the provisions of the Medical Practice Act, the
23 Physician Assistant Act, the Anesthesiologist Assistants Act
24 and the Impaired Health Care Provider Act. All money unused
25 at the end of the fiscal year shall not revert, but shall

1 remain in the fund for use in accordance with the provisions
2 of the Medical Practice Act, the Physician Assistant Act, the
3 Anesthesiologist Assistants Act and the Impaired Health Care
4 Provider Act. "

5 Section 27. Section 61-6-33 NMSA 1978 (being Laws 1989,
6 Chapter 269, Section 29, as amended) is amended to read:

7 "61-6-33. LICENSURE STATUS. -- Upon a verified written
8 request, a licensee may request that the license be put in
9 retirement, inactive or voluntary lapsed status. Upon
10 request for reinstatement of active status, the board may
11 impose conditions as provided in Section 61-6-30 NMSA 1978. "

12 Section 28. TEMPORARY PROVISION-- TRANSFER OF PERSONNEL,
13 PROPERTY, CONTRACTS AND REFERENCES IN LAW. -- On July 1, 2003:

14 A. all functions, personnel, appropriations,
15 money, records, equipment, supplies and other property of the
16 New Mexico board of medical examiners shall be transferred to
17 the New Mexico medical board;

18 B. all contracts of the New Mexico board of
19 medical examiners shall be binding and effective on the
20 New Mexico medical board; and

21 C. all references in law to the New Mexico board
22 of medical examiners shall be deemed to be references to the
23 New Mexico medical board.

24 Section 29. REPEAL. -- Sections 61-6-8, 61-6-8.1,
25 61-6-10.8 and 61-6-29 NMSA 1978 (being Laws 1973, Chapter 361,

1 Section 4, Laws 1997, Chapter 187, Section 6, Laws 2001,
2 Chapter 311, Section 8 and Laws 1989, Chapter 269, Section 25,
3 as amended) are repealed. _____

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